

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #1957

**DATE:** February 4, 2002

**PROPOSAL:** To develop a 210 unit assisted living facility.

**LAND AREA:** Approximately 5.05 acres.

**CONCLUSION:** This request complies with the requirements of the Zoning Ordinance, and with minor modification represents a compatible land use at this location that does not adversely affect surrounding properties and the neighborhood.

**RECOMMENDATION:**

Conditional Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 8, Strain's Acres subdivision along with the south 25' of vacated Drury Lane.

**LOCATION:** Approximately South 72<sup>nd</sup> Street and Van Dorn Street.

**APPLICANT:** Jerry Joyce  
8101 O Street  
Lincoln, NE 68510

**OWNER:** Same

**CONTACT:** Robert Schoenleber  
123 South 84<sup>th</sup> Street Suite A  
Lincoln, NE 68510

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Single-family Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	R-1
South:	Apartments	R-3
East:	Domiciliary Care	R-4
West:	Apartments	R-3

**HISTORY:** CZ#3092 - Approved January 26, 1998, re-zoned Lot 8 from R-1 and R-3 to R-4.

1979 - The zoning on this lot was converted from A-1 to R-1 and R-3 during the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates Urban Residential land use for this site.

**UTILITIES:** Public utilities are available to the site. However, the water and sewer connections must be shown on the site plan, and the utilities serving the existing residence must be abandoned at the connections. Additionally, a blanket utility easement over the entire site, except for the building envelope, must be provided.

**TOPOGRAPHY:** The site is heavily wooded, and gently sloping from north to south.

**ENVIRONMENTAL CONCERNS:** Loss of existing trees on-site.

**AESTHETIC CONSIDERATIONS:** Impact of this facility upon surrounding residential areas.

**ANALYSIS:**

1. The maximum density allowed in the R-4 zoning district for a domiciliary care facility is one person per 1,000 square feet of land area. This request accommodates 210 people, less than the 220 allowed by the ordinance.
2. This site is surrounded by apartments to the west and south, and by a similar facility to the east. This is an appropriate transition from the uses found near the intersection of South 70<sup>th</sup> and Van Dorn Streets to the single-family neighborhoods surrounding it to the north and east. A landscaping plan has been provided to enhance the compatibility of this facility at this location and to help mitigate the impact upon surrounding properties.
3. The off-street parking provided is in excess of twice the amount required, and complies with the Zoning Ordinance.
4. A drainage study needs to be provided to verify storm water runoff assumptions. The storm water runoff through the parking lots on both sides of the building needs to be collected and piped to existing inlets in Van Dorn Street. The step detention ponds appear to be adequate but an outlet from the last pond needs to be provided to the inlet in Van Dorn Street.
5. The west edge of the west driveway onto Van Dorn Street does not provide the required 75' separation from the east edge of 72<sup>nd</sup> Street. The site plan must be redesigned to

show either this separation being provided or the driveway eliminated with an alternate method of accessing the west parking lot.

6. The Fire Department denied the review of the plans submitted, and a utility plan showing both on-site and off-site hydrant locations must be provided.
7. The landscape plan complies with the applicable requirements, but must be amended to include quantities of plants shown.
8. The site plan should be amended to show a building envelope. This will provide flexibility for the applicant in terms of both the location and the exterior shape of the building, and eliminate the need for amendments to accommodate changes in building layout within that envelope.
9. The site plan must show the distance between the parking lots and lot lines to verify compliance with parking lot and landscape design standards.

**CONDITIONS:**

Site Specific:

1. This approval permits 210-unit domiciliary care facility.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 5 copies showing the following revisions:
      - 2.1.1.1 A building envelope.
      - 2.1.1.2 The distance between the parking lots and lot lines.
      - 2.1.1.3 A utility plan that shows on and off-site hydrant locations.
      - 2.1.1.4 Water and sewer connections.
      - 2.1.1.5 The west driveway in compliance with the design standard noted in the Public Works Department review.

- 2.1.1.6 A blanket utility easement over the entire site except for that area within the building envelope.
- 2.1.2 A revised landscape plan that shows the number of plants .
- 2.1.3 The applicant must submit a drainage study, and comply with all other items noted in the Public Works Department review.
- 2.2 A permanent reproducible final site plan with 5 copies as approved.
- 2.3 The construction plans comply with the approved plans.
- 2.4 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this domiciliary care facility all development and construction is to comply with the approved plans.
  - 3.2 The operation shall be licensed to comply with all state requirements for domiciliary care and/or residential care facilities.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

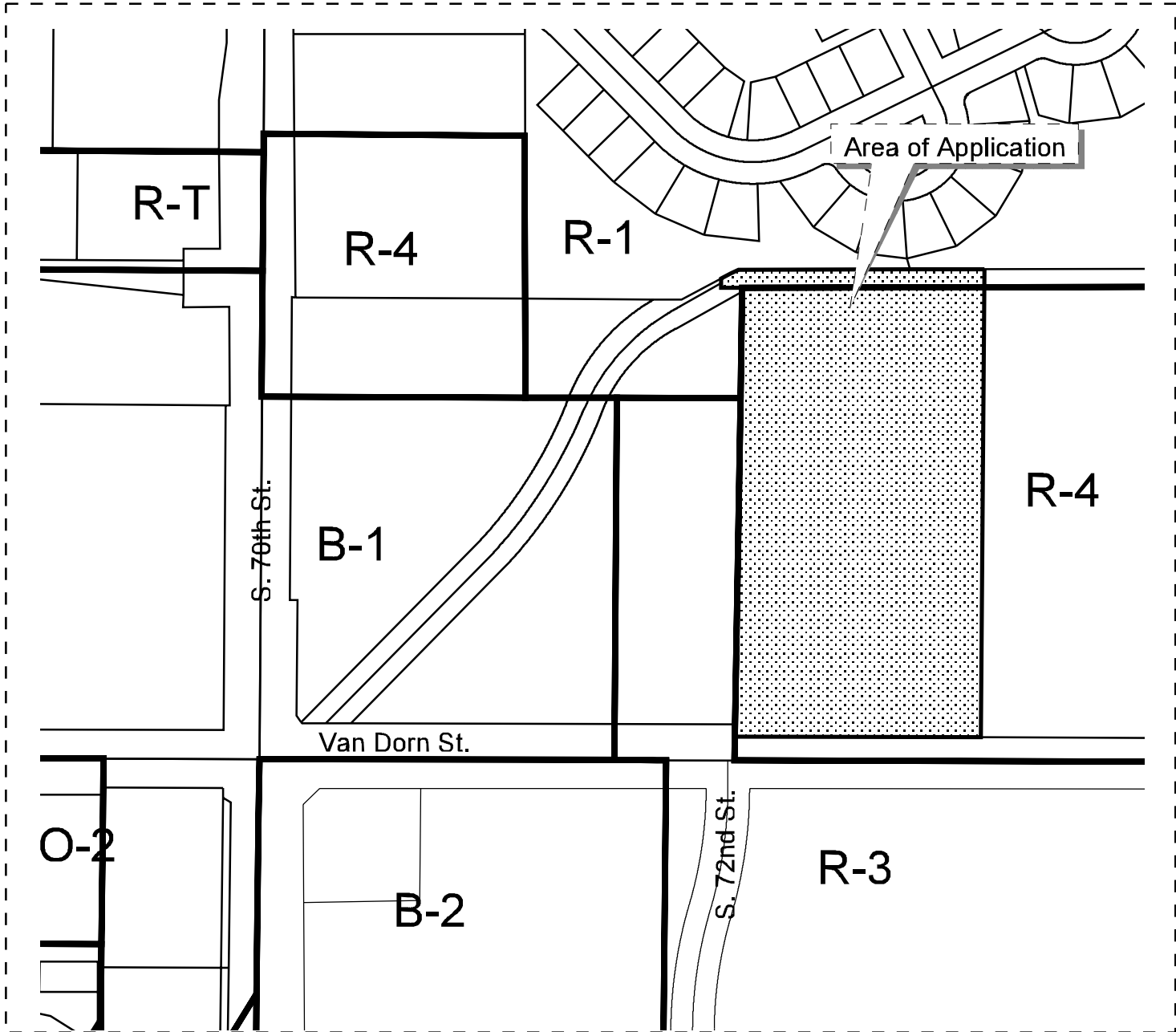
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Brian Will, AICP  
Planner



**Special Permit #1957**  
**S. 72nd & Van Dorn**



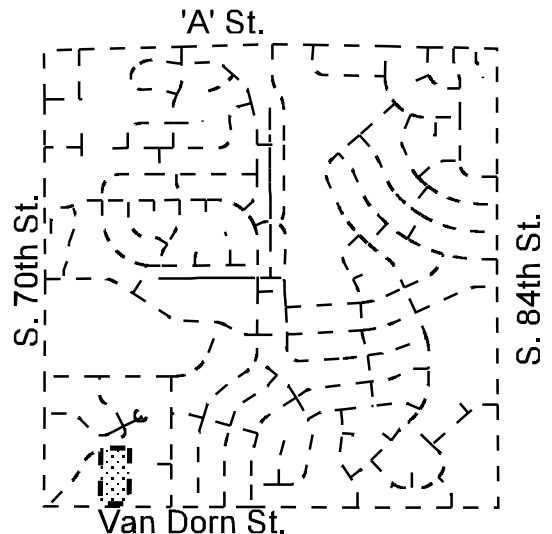
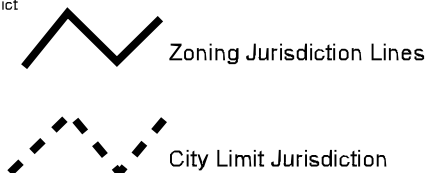


## Special Permit #1957 S. 72nd & Van Dorn

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 34 T10N R7E



Sheet \_\_\_ of \_\_\_

Date:

Lincoln City - Lancaster County Planning Dept.

[illegible]

**REPORT OFFICE**  
DISTRIBUTION - ALL (CROSS REFERENCE) + (C)  
PAGE 17 (ENCLOSURE) (BUT NOT)  
APPENDIX AND

RECEIVED ADVANCE COPY  
JANUARY 1968  
FURNISHED FOR INFORMATION  
OFFICE OF THE SECRETARY

[illegible]

ALL INFORMATION IN THE ABOVE CATEGORIZED BY THIS SYMBOL IS UNCLASSIFIED  
EXCEPT WHERE SHOWN OTHERWISE (U) AT ALL TIMES (DATE)

1. TAG, ON APPROX. ON NOVEMBER 17, 1964, RECEIVED A LETTER FROM  
MURDERER, JAMES EARL RAY, IN WHICH HE STATED:

2. TAG, ON APPROX. ON NOVEMBER 17, 1964, RECEIVED A LETTER FROM  
MURDERER, JAMES EARL RAY, IN WHICH HE STATED:

A LEGAL DESCRIPTION FOR A TRACT OR LOTS COMPOSED OF A PORTION OF THE SURROUNDING PORTION OF VARIOUS OTHER LAND, PLAT-CREATED AND LOT-AND-BLOCK-ACRES, LOCATED IN THE SOUTHWEST QUARTER PART OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LINCOLN, NEBRASKA, NEBRASKA AND MORE PARTICULAR, IS DESCRIBED AS FOLLOWS:

[illegible]

THE CLARK ENGINE PARTS		REPRESENTATIVE & MANUFACTURERS OF DISCOWAY & JERMAN'S	
1110 W. FIFTH	1312 BURDET STREET,	1040 CH. RIV. BOY,	1040 CH. RIV. BOY,
PHILADELPHIA	PHILADELPHIA	PHILADELPHIA	PHILADELPHIA
1040 CH. RIV. BOY,	1040 CH. RIV. BOY,	1040 CH. RIV. BOY,	1040 CH. RIV. BOY,
PHILADELPHIA	PHILADELPHIA	PHILADELPHIA	PHILADELPHIA
1040 CH. RIV. BOY,	1040 CH. RIV. BOY,	1040 CH. RIV. BOY,	1040 CH. RIV. BOY,
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SCHOENLEBER, SHRINER & HITTLE  
Architecture and Construction Consulting Services  
123 South 84th • Suite A • Lincoln, Nebraska 68510 • (402) 483-2893

January 10, 2002

City County Building  
Attn: Kathleen Sellman, Planning Director  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Permitted Special Use: Domiciliary Care Facility  
7200 Van Dorn, Lincoln, NE

Planning Director:

On behalf of the Project Developer/Owner, Mr. Jerry Joyce, I am submitting this letter, application form and attached information for the purpose of requesting a Special Permit to allow the construction of a new Domiciliary Care Facility at 7200 Van Dorn, Lincoln, NE. The proposed development is a Permitted Special Use in the R-4 zoning district, which the site is currently zoned and will conform to all of the requirements of Chapter 27.63.530 of the Lincoln Municipal Code.

The proposed facility is planned to have a maximum of 210 domiciliary care units. The facility will be licensed to comply with all state requirements for domiciliary care units and will meet or exceed most of the barrier-free standards adopted by the City Council, even though no request for an increase in the number of dwelling units is planned. The height and yard requirements of the district, in which the facility is located, will apply and will be accommodated without modification.

The new facility is to be classified as a three-story building with a basement parking structure and some walkout basement units. The maximum height of the building will not exceed 35 feet. The required parking for this facility is described in LMC 27.67.040 (d) (13) and is established by providing one space for every four residents based on the maximum occupancy allowed by the lot area and two spaces for every three employees on the largest shift. Using this criterion, the required parking would be 53 stalls for the units and 17 stalls for the employees for a total required parking of 70 stalls. The current plans indicate 80 surface parking stalls and plans for 100 underground stalls, for a total of 180 stalls which would more than double this parking requirement.

The developer has previously developed two facilities of this type in Lincoln, The Legacy and The Legacy Terrace. Based upon the success of these facilities and the demand for additional units of this type in this price range, it is deemed necessary to construct a similar facility with yet slightly different amenities. The construction type and materials used will be very similar.

JAN 10 2002

Page 2 - Permitted Special Use: Domiciliary Care Facility - 7200 Van Dorn, Lincoln, NE  
(continued)

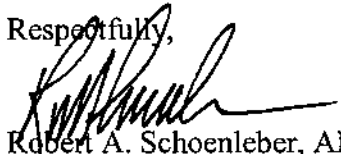
The neighboring property owners were all invited to a preliminary review of the proposed design, with no major objections noted at the time. The requests made during the meeting affecting the design were:

1. Try to retain as many quality, large trees as possible around the perimeter of the site.
2. Try to resolve the current drainage situation that exists because of the development to the east and the overflow drainage that was constructed.
3. Try to minimize the lights that will shine on the neighboring properties to the north.

In order to address these concerns, the developer plans extensive landscaping on the site to reduce the project's impact on the neighboring properties by providing a "well designed" landscape screen. The proposed design was created to enhance the environment of what is currently a very prestigious site. The Landscape Architect has determined which trees are salvageable and has incorporated these into the plans. The drainage situation from the east has been addressed, resolved and used in the enrichment of an environment unmatched in Lincoln. The parking lots and associated lighting is several hundred feet from the north property lines. Any other building lights and decorative site lighting, were not deemed to have a detrimental effect on these properties.

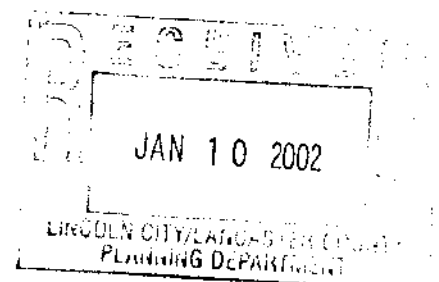
The developer feels that this project will be an asset to the community and to the neighborhood and would appreciate your consideration of his request for a special permit. If you have any questions regarding this submittal, please feel free to contact me, Robert A. Schoenleber, AIA at (402) 483-2893 or write to me at Schoenleber, Shriner & Hittle, 123 S. 84<sup>th</sup> Street, Suite "A", Lincoln, NE 68510.

Respectfully,



Robert A. Schoenleber, AIA  
RAS:pla

attachments



# M e m o r a n d u m

JAN 16 2002

**To:** Brian Will, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *BWB*

**Subject:** Special Permit # 1957, Legacy Estates

**Date:** January 16, 2002

**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed domiciliary care facility located at 7200 Van Dorn. Public Works has the following comments:

- The water and sanitary sewer connections need to be shown. The existing utilities to the residence need to be abandoned at the connections.
- The storm water runoff through the parking lots on the east and west sides of the building needs to be collected in an inlet and piped to the existing storm sewer inlets in Van Dorn Street to prevent sheet drainage into the public right-of-way.
- The drainage system using step detention ponds along the north and west property appears to be satisfactory to control the storm water runoff on that portion of the property. An outlet needs to be provided from the last step pond to the inlet pipe at Van Dorn Street to provide protection of the property to the west. A drainage study should be provided to verify these storm water runoff assumptions on this 5.05 acre site.
- The west driveway onto Van Dorn is located too close to 72nd Street. Design Standards require a 75' separation from the west edge of the driveway to east edge of the street as outlined in Chapter 4, Section 3.2.

# Memo



**To:** Brian Will, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** February 1, 2002

**Re:** Legacy Estates

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Plant list needs to include quantities.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

## **City of Lincoln, Nebraska**

### **IMPORTANT**

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## **Plan Review Comments**

Permit # **DRF02004**

Address

Job Description: **LEGACY ESTATES**

Location: **LEGACY ESTATES**

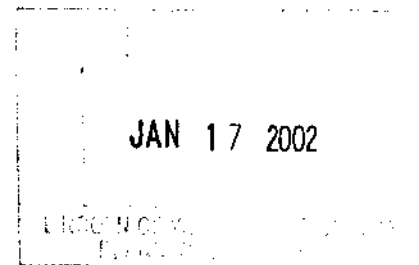
Special Permit: **Y 1957**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **BRIAN**



Status of Review: **Denied**

1/16/2002 12:57:18 PM

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments: **need utility plan showing on & off site hydrant locations**

### **Current Codes in Use Relating to Construction Development in the City of Lincoln:**

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards